# RUGBY FOOTBALL UNION DISCIPLINARY HEARING

# **Judgment**

**At:** Holiday Inn, Brighouse, West Yorkshire

On: Monday, 20<sup>th</sup> April 2009

Player: DARREN WILSON Club: Preston Grasshoppers RFC

**Match:** Fylde v Preston Grasshoppers

**Venue:** Fylde

**Date of Match:** 4<sup>th</sup> April 2009

**Panel:** Antony Davies (Chairman), Clif Barker and Peter Rhodes

**Secretariat:** Bruce Reece-Russel and Brenda Parkinson (RFU Disciplinary

Department)

**Attending:** Darren Wilson ("the Player")

John Chesworth (Management Committee, Preston Grasshoppers)

Mike Bailey (Chairman of Rugby, Preston Grasshoppers)

David Leslie (Chairman of Discipline, Fylde RFC) Mark Nelson (Director of Rugby, Fylde RFC)

## **Preliminary Matters**

1. The Player did not object to the composition of the Panel and raised no other preliminary issue.

## **Charge and Plea**

- 2. The Player was required to answer a citing report initiated by Fylde RFC in relation to an incident in the above match on 4<sup>th</sup> April 2009. The charge sheet which followed that citing report stated the offence to be one of stamping contrary to Law 10(4)(b), the particulars being that the Player stamped on an opponent during the 24<sup>th</sup> minute of the first half of the match.
- 3. The Player denied carrying out an act of foul play as alleged.

#### The Citing Club's Case

- 4. Mr. Leslie stated that the incident involved what his Club regarded as a deliberate stamp on the head of Mr. Craig Aikman. Mr. Aikman had picked up the ball at the base of a ruck and run forward to where he was tackled. He went to ground and placed the ball away from his body and another ruck formed over him. Whilst he was prone on the floor, the Preston number 9 (the Player) approached the breakdown from a sweeping position and aimed a stamp with his right foot on the back of Aikman's head. The stamp made significant contact and Aikman received treatment for a head injury.
- 5. In support of those contentions, Mr. Leslie produced a written statement from Greg Littler, a Sports Therapist in the employment of Fylde RFC and who was on duty at the game. Mr. Littler reported that he had attended Mr. Aikman, who had stayed down holding his head after a ruck had taken place. He was concerned that it was a head injury. He was informed by the player that he thought he had been struck directly on the left side of his head by a player's boot. On close inspection, he noticed that the skin on the player's head was broken with a 5mm abrasion suffered. The abrasion was bleeding, though no stitches were required. The player also reported to him that he had "seen stars, felt groggy and slightly nauseous". Mr. Littler then carried out a concussion and cervical assessment and concluded that the player was fit to play on for the rest of the match.
- 6. Mr. Leslie also drew our attention to a statement of Mr. Stewart Smith. He was not a member of Fylde RFC but attended the game as the guest of a sponsor. His statement confirmed that he saw the Preston scrum half (number 9) intentionally stamp on the Fylde scrum half's head, which led to him requiring treatment for his head injury. He stated that he had seen the Fylde scrum half place the ball back towards his supporting players as a ruck formed. Whilst his head was exposed, the Preston scrum half approached the ruck from his own side and using his right foot stamped on the head of the Fylde scrum half. He did not feel that there was any attempt to compete for the ball, which was out of his reach.
- 7. A further statement from Tom Albinson was produced. Mr. Albinson was playing 12 for Fylde in the game. He had seen the incident which he described as a kick

to the head, which he could not regard as anything other than deliberate.

- 8. Mr. John Marsden was also a spectator at the game. His written statement confirmed that he was a member of a different Club. He attended only as a spectator. His statement described him as standing behind the goal post at the pavilion end of the ground and having a good view of the incident. He saw Preston Grasshoppers number 9 deliberately stamp on the head of the Fylde number 9 whilst the Fylde player was on the ground laying the ball off and having been tackled. He regarded this as unacceptable and deliberate.
- 9. A medical report from Dr. S. Hebden, who reviewed Mr. Aikman on 6<sup>th</sup> April 2009, reported a graze of 4mm redness with some soft tissue swelling approximately 1.5cm in diameter. There was no neurological deficit.
- 10. Mr. Leslie took us through a DVD of the incident, both in real time and in slow motion. He stated that the incident had provoked activity from spectators and that the Director of Rugby, the player and the Committee had asked him to look at the DVD of the incident immediately after the match. The Club did not enjoy taking out the citing, but felt it was appropriate for the Club to react to the player complaint and many complaints from spectators. He stated that the written statements received were mostly from non-Fylde supporters and their evidence therefore had a degree of independence about it. The incident was not seen by the Referee but a penalty kick was given against the Preston Grasshoppers player on the recommendation of the Assistant Referee.

## **Evidence of the Match Officials**

11. Barry Dalby, the Assistant Referee at the game, gave evidence by telephone. He recalled Fylde attacking and a ruck forming. The Fylde 9 was on the ground when the Preston Grasshoppers 9 came in and placed his foot on the head of the Fylde player. He immediately signalled for foul play. He spoke with the Referee who had not seen the incident. His recommendation that the matter be dealt with by way of penalty only was based upon the absence of any apparent injury. He stated that he had not had a very clear view of it as there were players around the ruck and he was some 20 metres away. The Player got up after treatment and continued to play the majority of the game. It was

a robust local derby, but this was the first incident of foul play, hence his decision to bring it to the attention of the Referee as unacceptable but recommend a penalty only.

## The Player's Case

- 12. The Player denied stamping, though accepted that his boot came into contact with Mr. Aikman's head. He said that this was as he was attempting to step over Mr. Aikman to get to the ball after Mr. Aikman had been tackled. The ball was very close to Mr. Aikman's head. He lifted his right leg up to step over Mr. Aikman and as he was about to step over the ball, he was hit legitimately by a Fylde player who was joining the ruck. The contact was with the Player's left knee (his supporting leg) which knocked him backwards and put him off balance causing his boot to scrape across Mr. Aikman's head. He said this was not an intentional act and at worst it was careless in seeking to step over the ball when it was close to Mr. Aikman's head.
- 13. It was submitted that the Player's recollection of the incident was consistent with how it was viewed by the Touch Judge. He had been knocked off balance when attempting to step over Mr. Aikman. The matter was seen by officials who did not consider that the award of a card was appropriate.
- 14. Whilst the Player accepted that the contact was careless, it was almost simultaneous with him being hit by the Fylde player. There was no player reaction. It was an isolated incident and purely accidental. The citing Club's case had not been made out and in any event the matter had been adequately dealt with by the Match Officials.

#### **Finding**

15. The Panel considered all the evidence presented and a repeated viewing, both in real time and in slow motion, of a DVD showing the incident clearly. The point of contact and the actions of the Player leading up to that contact were depicted in a clear and unobstructed manner. There is clearly an act of foul play and it was signalled as such by the Assistant Referee. The Panel does not find the contact accidental and the Player accepts that it was at least "careless". The Player is upright and places his weight

on his left leg as he lifts his right leg so that his knee is level with his hip and his thigh parallel to the ground. He then brings his right leg down and into contact with the opposing player's head. Contact is made very shortly before he is hit by the Fylde player. We do not regard the Player's body position and stated intention of stepping over as consistent with legitimate rucking leading to accidental contact. There is no forward momentum in the Player's movement. He is not looking forward, stooping, bending forward or standing in a position to ruck legitimately. It is this absence of any forward movement coupled with the Assistant Referee's immediate signal for foul play that confirms to us that this was not an accident nor a reckless use of the boot. It was an intentional stamp.

- 16. We then have to consider whether the matter was properly dealt with by the Match Officials. We have considered the evidence of Mr. Dalby, who was frank and candid with the Panel. He recognised the incident immediately as one of foul play. We note that he describes himself as being 20 metres away and did not have a clear view. His view was obstructed by players. He had concluded that there was no apparent injury, which was not correct. He stated that the Player had simply "placed" his foot on the victim player's head, which is not what we have observed on the DVD and we feel that the Assistant Referee was influenced in his recommendation by the absence of any prior incident in the match. For all these reasons, we believe that had the Match Officials seen the incident as we (with of course the benefit of careful consideration and repeated viewings) have, then they would have dealt with it in a different manner.
- 17. Accordingly, we find the citing proved.

## **Sanction**

18. Mr. Chesworth submitted that the contact was careless or reckless and more of a scraping or raking than a downward stamp. The injury was only a graze. The victim player continued the game after treatment. The Player is first team Captain. The Club takes discipline seriously. He has a good record and though lively and vibrant he is not a dirty or malicious player. He plays County rugby and has one League game followed by four County games on all the Saturdays in May.

- 19. The Panel considers the following features as relevant:
  - (a) The offending was intentional and the act was committed deliberately;
  - (b) There was one stamp only which did not make contact with full force;
  - (c) The victim player received an abrasion injury to the head and required treatment on the field, though he did continue to play the rest of the game;
  - (d) The victim player was vulnerable in that he was on the ground facing away from the Player and could not have taken any action to defend himself;
  - (e) The Panel considers the offending in this case to be in the MID RANGE giving an entry point in accordance with the Regulations of five weeks. Having regard to the mitigation advanced on behalf of the Player and the absence of aggravating features, it is appropriate to reduce that entry point by one week.

# **Suspension**

20. The Player will be suspended from 21<sup>st</sup> April 2009 to 19<sup>th</sup> May 2009 inclusive. He may play again on 20<sup>th</sup> May 2009.

## **Costs**

20. The Player is ordered to pay the costs of £200.00.

#### **Appeal**

21. The Player was advised of his rights of appeal as set out in RFU Disciplinary Regulations.

## **Ancillary Orders**

22. The citing having been made out, it is ordered that the deposit be returned to the citing Club.

## Antony Davies

Antony Davies, Chairman

29<sup>th</sup> April 2009